

## **REMARKS**

### **STATUS OF APPLICATION**

No claims have been amended, canceled, or added in this paper. Accordingly, claims 1-51 are pending in the present application.

### **ALLOWABLE SUBJECT MATTER**

The indication that claims 7-12, 16-19, and 21-51 are allowed, and that claims 3 and 4 would be allowable if rewritten in independent form including all of the limitations of their base claim and any intervening claims, is noted with appreciation. As it is believed that claim 1, from which claims 3 and 4 depend, is now in condition for allowance, claims 3 and 4 have not been so amended.

### **DRAWINGS**

The Office Action indicates that Applicants are required to furnish a drawing under 37 CFR § 1.81 “to provide clarification of the ‘upwardly facing valve seat’ designated by reference numeral 36. The Office alleges that “the interplay between the valve seat 36 and the flapper valve 30 is unclear.”<sup>1</sup>

37 CFR § 1.81(a) requires that “[t]he applicant for a patent is required to furnish a drawing of his or her invention where necessary for the understanding of the subject matter sought to be patented....” 37 CFR § 1.81(c) requires that “[w]henever the nature of the subject matter sought to be patented admits of illustration by a drawing without its being necessary for the understanding of the subject matter and the applicant has not furnished such a drawing, the

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<sup>1</sup> See page 2, lines 3-8, of the present Office Action.

examiner will require its submission..." (emphasis added). Applicants respectfully assert that the drawings presently included in the application meet both of these requirements.

In at least FIGS. 2A – 2C, the drawings of the present application illustrate the "interplay between the valve seat (36) and the flapper valve (30)", as required by the Office. In FIG. 2A, the valve apparatus 22 is shown in its initial open configuration, wherein the sliding sleeve 34 is in its lower position and the contact surface 38 is holding the valve member 30 in its open position.<sup>2</sup>

FIG. 2B illustrates the valve apparatus 22 in its closed configuration, wherein the sliding sleeve is in its upper position and the seating element 36 is seated against the valve member 30.<sup>3</sup> In transitioning from the configuration of FIG. 2A to the configuration of FIG. 2B, the contact surface 38 is withdrawn from contact with the valve member 30, allowing the valve member 30 to extend into the sliding sleeve 34. The lower side of the valve member 30 (*i.e.*, the side to which the lead line for element number 30 extends) seats against the seating element 36.

FIG. 2C illustrates the valve apparatus 22 in its final open configuration (*i.e.*, after being in the closed configuration of FIG. 2B). A force exerted on the sliding sleeve 34 breaks the shear element 46, thus allowing movement of the sliding sleeve 34 to its lower position. As the sliding sleeve moves downward, the contact surface 38 again forces the valve member 30 to open, *i.e.*, to become unseated from the seating element 36.

Thus, in at least FIGS. 2A – 2C, the drawings presently included in the application illustrate the "interplay between the valve seat (36) and the flapper valve (30)", as required by

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<sup>2</sup> See page 13, lines 7-9, of the present specification.

<sup>3</sup> See page 13, lines 12-14, of the present specification.

the Office. Accordingly, it is respectfully requested that the requirement to furnish a drawing be reconsidered and withdrawn.

## **DOUBLE PATENTING**

Claims 1, 2, 5, and 6 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of copending U.S. Application No. 09/754,464 in view of U.S. Patent 6,508,309 to French (“the French patent”). Claim 13 stands provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 24 of copending U.S. Application No. 09/754,464 in view of the French patent. Claim 14 stands provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 25-27 of copending U.S. Application No. 09/754,464. Claim 15 stands provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 29 and 30 of copending U.S. Application No. 09/754,464. Claim 20 stands provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 39-41 of copending U.S. Application No. 09/754,464.

A Terminal Disclaimer in compliance with 37 CFR 1.321(c) is submitted herewith to obviate the provisional double patenting rejections. The copending U.S. Application No. 09/754,464 is commonly owned with the present application.

Accordingly, it is respectfully requested that the provisional rejections of claims 1, 2, 5, 6, 13, 14, 15, and 20 under the judicially created doctrine of obviousness-type double patenting be reconsidered and withdrawn.

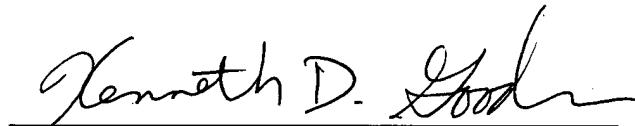
**CONCLUSION**

Wherefore, in view of the foregoing remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to contact the undersigned patent agent at (817) 578-8616 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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